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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/811,648	03/05/1997	DAN KIKINIS	P1523CIP	1380

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CENTRAL COAST PATENT AGENCY, INC  
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WATSONVILLE, CA 95076

EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2457

NOTIFICATION DATE	DELIVERY MODE
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02/25/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 08/811,648	<b>Applicant(s)</b> KIKINIS, DAN	
	<b>Examiner</b> LASHONDA T. JACOBS	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This is a Final Office Action in response to Applicant RCE filed on January 14, 2010. Claims 1-4, 7-9 and 14-17 are presented for further examination.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Chau et al. (Chau), U.S. Patent No. 5,764,750 and in further view of Eames et al. (Eames), U.S. Patent No. 6,317,884.

3. Regarding **claim 1**, Goodman discloses the invention substantially as claimed. Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit at the home or business site* [see Goodman, item 400] *receiving public network protocol signals* [see Goodman, Col. 8, lines 9-10]; *an asymmetric star telephone wiring structure in the site connected to the bridge adapter unit* [see Goodman, Col. 8, lines 1-25]; *and modulates the translated signals using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring* [see Goodman, Col. 1, lines 56-67 and Col. 2, lines 1-10]. Even though, Goodman does disclose a system that allows for

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distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of *a bridge adapter unit receiving public network protocol signals and the bridge adapter, translates the received public network protocol signals to a LAN protocol.*

4. In the same field of endeavor, Chau discloses (e.g., communicating between diverse communications environment). Chau discloses *a bridge adapter unit receiving public network protocol signals and the bridge adapter, translates the received public network protocol signals to a LAN protocol* (Chau teaches a subsystem 11 may be substantially any desired communications arrangement. For example, it may be another telephony subsystem, like subsystem 12. Preferably, however, subsystem 11 is a connections-rich subsystem, such as a data or a multi-media communications subsystem. Subsystem 11 illustratively comprises a switching node 33, for example a local area network (LAN) server, a broadband multi-media switching hub, or an asynchronous transfer mode (ATM) packet switch, that provides data or multi-media communications services to a plurality of endpoints such as user workstations 37-39. Switching node 33 includes a node processor 34 that executes switching-node control programs out of node memory 35 and controls one or more switching fabrics 36 (e.g., LAN, cross point switch, etc.) that provide communications connections between workstations 37-39 as well as other endpoints. For purposes of this discussion, the principal function performed by node processor 34 is that of a name-server or router: it converts connection requests (received from workstations 37-39) that are expressed in terms of originating and terminating endpoint names and/or

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addresses into corresponding connections (with the aid of PBX 13, as will be made clear below),  
[see Chau, Figure1, item 40, abstract, Col. 1, lines 60-67, Col. 2, lines 1-27]

5. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chau's teachings of communicating between diverse communications environment with the teachings of Goodman, because of the need to solve the problem of telecommunications systems that have different protocols requiring having different capabilities of their endpoints [see Chau, Col. 1, lines 37-45]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67].

6. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chau's teachings of communicating between diverse communications environment with the teachings of Goodman, because of the need to solve the problem of telecommunications systems that have different protocols requiring having different capabilities of their endpoints [see Chau, Col. 1, lines 37-45]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67].

7. In the same field of endeavor, Eames discloses (i.e., video, data and telephony gateway). Eames discloses *and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit* [see Eames, Col. 1, lines 48-56].

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8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Eames' teachings of a video, data and telephony gateway with the teachings of Goodman-Chau, for the purpose of having a centralized unit in the home which can provide video, data, and telephony services, and methods for communicating with the centralized unit from different locations within the home [see Eames, Col. 1, lines 36-46]. By this rationale **claim 1** is rejected.

9. Regarding **claim 2**, Goodman-Chau and Eames further discloses *one or more converters* [see Goodman, item 452] *connected at individual ones of the end points, the one or more converters comprising each an outlet port to connect to a single-media or a multimedia device, the converters converting the LAN signals to a form required by the single-media or multi-media device* (Goodman teaches converters that convert signals from voice-band and transmits them through filters to local network where they communicate with the telephone device), [see Goodman, Col. 4, lines 60-67, Col. 5, lines 1-15, Col. 11, lines 65-67, Col. 12, lines 1-8 and Col. 54, lines 56-67]. By this rationale **claim 2** is rejected.

10. Regarding **claim 3**, Goodman-Chau and Eames further discloses *one or more single-media or multi-media devices connected to one or more of the converters* [see Goodman, Figures 1a, items 404a-b, items 419a, 494b-c]. By this rationale **claim 3** is rejected.

11. Regarding **claim 4**, Goodman-Chau and Eames further discloses *wherein the single-media and multi-media electronic devices include one or more of telephones* [see Goodman, item 414a] *personal computers* [see Goodman, item 495c] *fax machines* [see Foley, Col. 5, lines 43-49] *and televisions running through set top boxes* [see Goodman, Figure 15, Col. 9, lines 47-54]. By this rationale **claim 4** is rejected.

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12. **Claims 7-9**, list all the same elements of **claims 1-4**, but in method form rather system form. Therefore, the supporting rationale of the rejection to **claims 1-4** applies equally as well to **claims 7-9**.

13. Regarding **claims 14 and 17**, Goodman-Chau and Eames further discloses *wherein individual ones of the converters are internal modules of individual ones of the single-media or multimedia devices* [see Goodman, Col. 15, lines 16-60]. By this rationale **claims 14 and 17** are rejected.

14. Regarding **claims 15 and 16**, Goodman-Chau and Eames further discloses *wherein individual ones of the converters are integrated into individual ones of the single-media or multi-media devices* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 15 and 16** are rejected.

### ***Response to Arguments***

12. Applicant's arguments filed January 14, 2010 have been fully considered but they are not persuasive.

#### **The Office Notes the following arguments:**

- a. Goodman fails to disclose a bridge adapter unit as claimed.
- b. Chau fails, as do the remaining references, in teaching that the signals are modulated using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring.

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c. Eames fails to teach or suggest driving all incoming public network protocol signals, utilizing a single bridge adapter unit, over an internal network comprising but one type of wiring, such as a pre-existing telephone wiring of the building as taught in our invention.

d. Applicant argues that without the Examiner incorporating hindsight knowledge of applicant's invention, the motivation for the combination of the art could not have been made.

e. The examiner provides a response to arguments section that simply states that applicant's arguments filed June 30, 2009 have been fully considered but they are not persuasive and the rejection is maintained. The examiner thus has simply adapted the last rejection to agree semantically with the amended claim language, and does not, after twelve or more rejections and responses and two appeals, both remanded, believe it might be important to deal with applicant's arguments in any detail at all.

**In response to:**

a. Applicant argues that Goodman fails to disclose a bridge adapter unit as claimed. However, the Examiner disagrees. Goodman teaches a system that provides communication at points of convergence of wire pairs from separate internal telephone networks that includes a bridge adapter as well as telephone wiring structure for the site (houses, apartments, etc.) [see Goodman, Abstract and col. 3, lines 32-57, col. 11, lines 1-11, lines 34-39 and lines 52-59].

Therefore, Goodman discloses a bridge adapter unit as claimed.

b. Applicant argues that Chau fails, as do the remaining references, in teaching that the signals are modulated using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring. However, Chau was not relied upon to teach this element of the applicant's invention. Goodman was relied upon to teach this element of the claimed invention.



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Goodman teaches a system that provides communication at points of convergence of wire pairs from separate internal telephone networks that includes a bridge adapter as well as telephone wiring structure for the site (houses, apartments, etc.) [see Goodman, Abstract and col. 3, lines 32-57, col. 11, lines 1-11, lines 34-39 and lines 52-59].

c. Applicant's argues Eames fails to teach or suggest driving all incoming public network protocol signals, utilizing a single bridge adapter unit, over an internal network comprising but one type of wiring, such as a pre-existing telephone wiring of the building as taught in our invention. However, Eames teaches a residential gateway and was used in combination with Goodman and Chau. If one were to install the system of Eames in a residential or commercial building, it would also require to install the various different types of cabling and wiring such coaxial cabling or any other type of wiring, other than the existing telephone wiring in the building [see Eames, Col. 1, lines 48-56].

d. Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

e. Applicant's argue that examiner provides a response to arguments section that simply states that applicant's arguments filed June 30, 2009 have been fully considered but they are not persuasive and the rejection is maintained. The examiner thus has simply adapted the last rejection to agree semantically with the amended claim language, and does not, after twelve or

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more rejections and responses and two appeals, both remanded, believe it might be important to deal with applicant's arguments in any detail at all. However, the Applicant did not provide any arguments as to how the amended claim language was not taught by the applied prior art in response to new grounds of rejection provided by the Board of Patent Appeals and Interferences (4/30/2009) in which the BPAI remanded the examiner answer (11/16/07) for lack of written description and definiteness by the Applicant.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/LaShonda T Jacobs/  
Primary Examiner, Art Unit 2457

ltj  
February 19, 2010